IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION

UNITED STATES OF AMERICA

VS.   4:06-CR-00210-BRW

BENJAMIN DAVIS

ORDER

Pending is Defendant's *pro se* Motion for Reconsideration (Doc. No. 61) requesting that I

reconsider my May 14, 2013 Order denying Defendant's Motion for Sentence Reduction.

Defendant contends that I should reconsider my ruling in light of the Sixth Circuit Court

of Appeals decision in *United States v. Blewett*.[1]

The Sixth Circuit's ruling, however, does not affect Defendant's case. The Eighth Circuit

Court of Appeals declined to adopt the Sixth Circuit's position in *Blewett*.[2]

IT IS SO ORDERED this 10th day of July, 2013.

/s/Billy Roy Wilson
UNITED STATES DISTRICT JUDGE

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[1] 2013 WL 21219445 (6th Cir. May 17, 2013).

[2] See *United States v. Reeves*, 2013 WL 3155945 (8th Cir. June 24, 2013) ("[E]ight of the nine federal circuits to address the issue have held that the statutory provisions applicable when the defendant was originally sentenced—not the statutory provisions in the Fair Sentencing Act—apply in section 3582(c)(2) proceedings. *See United States v. Kelly,* 716 F.3d 180, —— (5th Cir.2013); *United States v. Belt,* No. 12–8029, —— Fed.Appx. ——, ——, 2013 WL 1715577, at *1 (4th Cir. Apr. 22, 2013); *United States v. Pratt,* No. 12–3422, —— Fed.Appx. ——, —— – ——, 2013 WL 864464, at *1–2 (3d Cir. Mar 8, 2013); *United States v. Lucero,* 713 F.3d 1024, 1027–28 (10th Cir.2013); *United States v. Augustine,* 712 F.3d 1290 (9th Cir.2013); *United States v. Hippolyte,* 712 F.3d 535, 542 (11th Cir.2013); *United States v. Robinson,* 697 F.3d 443, 444–45 (7th Cir.2012); *United States v. Humphries,* 502 Fed.Appx. 46, 47–48 (2d Cir.2012). *But see United States v. Blewett,* Nos. 12–5226, 12–5582, —— F.3d ——, —— – ——, 2013 WL 2121945, at *8–9 (6th Cir. May 17, 2013). We join the overwhelming majority of our sister circuits and hold that the Fair Sentencing Act does not apply retroactively to defendants who were sentenced before August 3, 2010, and who seek a reduction in their sentences under section 3582(c)(2).").